

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

**GEOFFREY ASHER,**

**Plaintiff,**

**vs.**

**STERLING COLE, *et al.*,**

**Defendants.**

**CIVIL ACTION FILE**

**NO. 2:08-CV-0035-WCO**

**DEFENDANT COLE'S MOTION FOR  
ATTORNEY'S FEES AND EXPENSES**

Pursuant to Fed. R. Civ. P. 54(d)(2), Local Rule 54.2 and 42 U.S.C. § 1988, Defendant COLE files this Motion for Award of Attorneys' Fees and Expenses against Plaintiff as follows:

1.

Defendant is a prevailing party in a 42 U.S.C. § 1983 action in which he obtained dismissal and judgment was entered on or about August 8, 2011.

2.

As a prevailing party, Defendant moves for recovery of reasonable attorneys' fees and expenses from Plaintiff under 42 U.S.C. § 1988.

3.

Defendant incurred estimated attorney's fees and expenses (exclusive of taxable costs) in the approximate amount of \$15,500 to defend this action, which involves federal claims under 42 U.S.C. § 1983. See Quintana v. Jenne, 414 F.3d 1306, 1311 (11<sup>th</sup> Cir. 2005); Head v. Medford, 62 F.3d 351, 356 (11<sup>th</sup> Cir.1995).

4.

In support of this Motion, Defendant relies upon:

- a. The record in this action; and
- b. additional supporting materials to be filed separately pursuant to  
Local Rule 54.2 A(2).

WHEREFORE, Defendant COLE respectfully prays for an award of reasonable attorneys' fees and litigation expenses in the amount of not less than \$15,500 against Plaintiff.

This 22d day of AUGUST, 2011.

WILLIAMS, MORRIS & WAYMIRE, LLC

/s/ Jason Waymire  
Jason C. Waymire  
Georgia Bar No.: 742602  
Attorney for Defendant Cole

4330 South Lee Street, NE  
Bldg. 400, Suite A  
Buford, Georgia 30518  
Telephone: (678) 541-0790  
Facsimile: (678) 541-0789

**CERTIFICATE OF SERVICE**

This is to certify that I have on this day served all parties with a copy of the DEFENDANT COLE'S MOTION FOR ATTORNEY'S FEES AND EXPENSES upon all parties electronically, through the Court's CM/ECF system, to the following:

Matt Karzen, Attorney for Plaintiff

This 22d day of August, 2011.

WILLIAMS, MORRIS & WAYMIRE, LLC

/s/ Jason Waymire  
Jason C. Waymire  
Georgia Bar No.: 742602  
Attorney for Defendant Cole

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